

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**MURPHY A. JUNAID,**  
**Plaintiff,**

**v.**

**John McHugh, Secretary,**  
**DEPARTMENT OF THE ARMY,**  
**Defendant.**

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**CIVIL ACTION NO.**  
**C-11-226**

**PLAINTIFF'S MOTION IN LIMINE**

Now comes Plaintiff MURPHY A. JUNAID and respectfully moves this Honorable Court for an order in limine restricting opposing counsel and any and all witnesses who may be called by either of the parties to this case, from introducing, mentioning, alluding to, or in any way referring to certain matters. In support of this Motion, Plaintiff would show the Court as follows:

(1) The matters regarding which Plaintiff seeks an order in limine are not admissible in evidence for any purpose and have no bearing on the issues or the rights of the parties in this case. Even if it could be shown that a matter described herein might be relevant to a fact of consequence in this case, any probative value would be far outweighed by the undue prejudice, confusion and delay that would result from allowing its admission into evidence.

(2) Permitting interrogation of witnesses, comments to jurors or prospective jurors, or offers of evidence concerning any of these matters would unfairly prejudice the jury, and sustaining objections to such questions, statements or evidence will not prevent prejudice but will only reinforce the development of questionable and inadmissible evidence.

(3) The matters regarding which this Motion is made are as follows:

- (a) Any rulings made by the Court prior to the beginning of the trial, including but not limited to the Court's order in regard to this Motion in Limine.
- (b) Any evidence of Plaintiff's termination from the Red River Army Depot. Fed. R. Evid. 404
- (c) Any evidence of Plaintiff's involvement in prior legal actions involving family and criminal matters, including divorce actions and child custody actions. Fed. R. Evid. 404
- (d) Any evidence of any offers to compromise or settle the matters made the subject of this lawsuit. Fed. R. Evid. 408

(4) Plaintiff also requests that, if opposing counsel proposes a theory of admissibility concerning any of the matters set forth in paragraph (3) above, the Court order that opposing counsel first request a ruling from the Court outside the presence and hearing of all prospective jurors and jurors ultimately selected to serve in this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff MURPHY A. JUNAID respectfully requests this Court to order the matters described in paragraph (3) of this Motion are not admissible evidence; that counsel for Defendants shall refrain from offering any evidence relating to any matter described in paragraph (3) of this Motion in the presence of the jury and refrain from making any reference or comment regarding such matter, directly or indirectly, before the jury panel on voir dire, or before the trial jury, through examining or cross-examining witnesses, offering documentary evidence, making closing argument, or otherwise; that counsel for Defendant instruct any and all witnesses called by Defendant to refrain from any comment, mention, or reference to, directly or indirectly, in any manner whatsoever, any of the matters set forth in this Motion; and to inform such witnesses of the consequences of violating the Court's order, including punishment for contempt.

Respectfully submitted,

LAW OFFICES OF  
GAUL AND DUMONT  
924 Camaron Street  
San Antonio, Texas 78212  
(210) 225-0685  
(210) 320-3445 - Fax

By: **/s/ Malinda A. Gaul**  
MALINDA A. GAUL  
State Bar #08239800  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify on the 6<sup>th</sup> day of August, 2012, I electronically filed the above and foregoing Plaintiff's Motion In Limine with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Jimmy A. Rodriguez  
Assistant United States Attorney  
1000 Louisiana, Suite 2300  
Houston, Texas 77002

Charles Wendlandt  
Assistant United States Attorney  
800 N. Shoreline, Suite 500  
Corpus Christi, Texas 78401

**/s/ Malinda A. Gaul**  
MALINDA A. GAUL

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**ORDER ON PLAINTIFF'S MOTION IN LIMINE**

Came on for consideration *Plaintiff's Motion In Limine*. The Court having considered the motion and response finds it should be granted.

IT IS THEREFORE ORDERED that *Plaintiff's Motion In Limine* is GRANTED.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE